

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

Charles James
Plaintiff/Petitioner(s)
VS.
Uber Technologies, Inc.
Defendant/Respondent
(s)

No. 23CV032350

Date: 03/04/2025

Time: 2:30 PM

Dept: 16

Judge: Victoria Kolakowski

ORDER re: Hearing on Motion for
Order Approving PAGA
Settlement; filed by
Charles James (Plaintiff)
filed by Charles James
(Plaintiff) on 02/06/2025

Prior to the hearing, the Court issued a Tentative Ruling, which was **not** contested and was affirmed as set forth below.

The Motion for Order Approving PAGA Settlement and Judgment Thereon filed by Charles James on 02/06/2025 is Granted.

I. Background

Plaintiff Charles James claims that Defendant Uber Technologies, Inc. unlawfully prohibited employees from disclosing their wages and working conditions, and unlawfully forfeited bonuses and commissions for terminated employees, among other Labor Code violations. (Am. Compl. ¶¶ 19–54, Feb. 21, 2024.) James filed an amended complaint (individually and for other aggrieved employees) against Uber, asserting several causes of action for civil penalties under the California Private Attorneys General Act. (*Id.* ¶¶ 19–83.) Uber filed an answer, generally denying the allegations, among other things. (Answer, Apr. 19, 2024.)

After conducting preliminary discovery, the parties mediated their dispute. (Valerian Decl. ¶¶ 6–8, Feb. 6, 2025.) After about a year of discussion, the parties fully executed a proposed settlement agreement in February 2025. (*Id.* Ex. A.)

Under the proposed settlement agreement, Uber agreed to pay \$225,000.00. (*Id.* ¶ 3.1.) The gross amount would be distributed as follows:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

Item	Recipient	Amount
Plaintiff's Counsel Fees	Valerian Law, P.C.; Gallo LLP	Up to \$75,000.00
Plaintiff's Counsel Expenses	Valerian Law, P.C.; Gallo LLP	Up to \$2,535.34
Administrator's Expenses	Simpluris Inc.	Up to \$3,500.00
LWDA PAGA Payment	State of California, Labor & Workforce Development Agency	At least \$107,973.49
Individual PAGA Payment	Covered Employees	At least \$35,991.17

(*Id.* ¶ 3.2.) The proposed settlement agreement covers about 229 employees (the “Covered Employees”), classified into three, non-exclusive groups: sales employees, U4B employees, and former employees. (*Id.* ¶ 1.6.) Concerning the individual PAGA payment, 78% would be equally distributed to the sales employees, 21% would be equally distributed to the U4B employees, and 1% would be equally distributed to the former employees. (*Id.* ¶ 3.2.3.) Any unclaimed checks to the Covered Employees would be transmitted to the California Controller’s Unclaimed Property Fund. (*Id.* ¶ 4.5.)

In exchange, James, on behalf of the State of California, released Uber and other Released Parties from “(a) any and all PAGA claims, arising during the PAGA Period, for civil penalties predicated on California Labor Code sections 201, 204, 210, 232, 232.5, 432.5, 1197.5(k), and/or 2751, et seq. as to any of the Covered Employees; (b) any and all other PAGA claims, arising during the PAGA Period, for civil penalties that were asserted or which could have been asserted based, in whole or in part, on the facts and/or factual allegations pleaded in the Complaint, the Operative Complaint and/or Plaintiff’s PAGA Notices as to any of the Covered Employees; and (c) any and all claims for attorney’s fees, costs or other relief stemming from (a) and (b) of this Paragraph.” (*Id.* ¶ 1.26, 5.1; *see also id.* ¶ 1.27 (defining the “Released Parties”).) Additionally, James, individually, released his claims against Uber and other Released Parties, including a waiver of section 1542 of the Civil Code. (*Id.* ¶ 5.2)

The proposed settlement agreement provided that, upon the Court’s approval, the Court would issue its judgment dismissing James’s individual PAGA claims; dismissing the first through sixth cause of action in the amended complaint with prejudice as to all the Covered Employees including James; and dismiss the seventh cause of action in the amended complaint without prejudice as to all the Covered Employees other than James.¹ (*Id.* ¶ 5.3.)

The parties agreed that the Court would retain jurisdiction to enforce the settlement agreement and its judgment, address any settlement administration matters, and address post-judgment matters “as are permitted by law.” (*Id.* ¶ 8.2.)

In February 2025, James moved to approve the settlement. (Mot., Feb. 6, 2025.) James requested that the Court award his counsel \$75,000.00 in attorneys’ fees and \$2,535.34 in costs. (Mem. Supp. Mot. 17:3–16.) Uber did not oppose. (*See* Docket.)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

II. Legal Standard

“The superior court shall review and approve any settlement of any civil action filed pursuant to [PAGA].” (Lab. Code § 2699(l)(2).) “[A] trial court should evaluate a PAGA settlement to determine whether it is fair, reasonable, and adequate in view of PAGA’s purposes to remediate present labor law violations, deter future ones, and to maximize enforcement of state labor laws.” (*Moniz v. Adecco USA, Inc.* (2021) 72 Cal. App. 5th 56, 77.)

III. Discussion

Having carefully considered the Proposed Settlement Agreement, counsel’s assessment of the strengths and weaknesses of James’s case, and PAGA’s purposes, the Court finds that the Proposed Settlement is fair, reasonable, and adequate. The Court also finds that counsel’s request for an award of \$75,000.00 in Attorneys’ Fees and \$2,535.34 in Costs is reasonable.

IV. Orders

The Motion is **GRANTED**.

The Court **APPROVES** the Parties’ Settlement Agreement.

The Court appoints Simpluris as the Administrator.

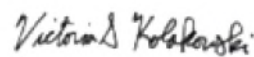
The Court awards James’s counsel’s request \$75,000.00 in Attorneys’ Fees and \$2,535.34 in Costs.

The Court **directs** James to submit a Revised Proposed Judgment **omitting** the language from page 2, line 5 through page 5, line 8 as this filing is the Court’s Order. The Court will sign the Revised Proposed Judgment.

¹ James separately settled his Claims for Discrimination and Forfeited Commissions and agreed to a General Release of all other claims he might have against Uber. (Valerian Decl. ¶ 17.)

The Court orders counsel to obtain a copy of this order from the eCourt portal.

Dated : 03/04/2025



Victoria Kolakowski / Judge

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse